

104TH CONGRESS
2D SESSION

S. 1819

To amend the Railroad Retirement Act of 1974 to provide for retirement savings and security.

IN THE SENATE OF THE UNITED STATES

MAY 23, 1996

Mr. DASCHLE (by request) (for himself, Mr. BRYAN, Mr. DODD, Mr. KENNEDY, Mr. LEAHY, Ms. MIKULSKI, Ms. MOSELY-BRAUN, Mr. ROCKEFELLER, and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Railroad Retirement Act of 1974 to provide for retirement savings and security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—SHORT TITLE; TABLE**
4 **OF CONTENTS**

5 **SEC. 1000. SHORT TITLE; TABLE OF CONTENTS.**

6 (a) SHORT TITLE.—This Act may be cited as the
7 “Retirement Savings and Security Act”.

8 (b) TABLE OF CONTENTS.—

TITLE I—SHORT TITLE; TABLE OF CONTENTS

Sec. 1000. Short title; table of contents.

TITLE II—CONFORMING RAILROAD RETIREMENT BENEFITS
WITH SOCIAL SECURITY

Sec. 2001. Child’s annuity.

Sec. 2002. Entitlement to spousal annuities.

Sec. 2003. Continued payment to survivors of waived lump sum benefits in amounts equivalent to social security survivor benefits.

Sec. 2004. Lump sum death benefits equivalent to social security benefits.

Sec. 2005. Payment of benefits equivalent to social security benefits with respect to service for which certain railroad retirement annuities are not payable.

Sec. 2006. Effective date.

1 TITLE II—CONFORMING RAIL-
2 ROAD RETIREMENT BENE-
3 FITS WITH SOCIAL SECURITY

4 SEC. 2001. CHILD’S ANNUITY.

5 (a) ELIGIBILITY FOR ANNUITY.—Section 2 of the
6 Railroad Retirement Act of 1974 is amended by adding
7 at the end the following new subsection:

8 “(i) The child (as defined in section 216(e) and (k)
9 of the Social Security Act) of an individual, if—

10 “(i)(I) such child will be less than 18 years of
11 age,

12 “(II) such child will be less than 19 years of
13 age and a full-time elementary or secondary school
14 student, or

15 “(III) such child will, without regard to his or
16 her age, be under a disability which began before the
17 child attained age 22 or before the 84th month fol-
18 lowing the month in which his most recent entitle-
19 ment to an annuity under this subsection terminated

1 because he or she ceased to be under a disability,
2 and

3 “(ii) such child is unmarried and dependent
4 upon the employee,
5 shall be entitled to an annuity, if he or she has filed an
6 application therefor, in the amount provided under section
7 4 of this Act.”

8 (b) AMOUNT OF ANNUITY.—Section 4 of such Act is
9 amended—

10 (1) in the heading, by adding at the end “AND
11 CHILD ANNUITIES”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(j) The annuity of a child of an individual under
15 section 2(i) of this Act shall be in the amount that would
16 have been payable to the child under title II of the Social
17 Security Act if all of the individual’s service after Decem-
18 ber 31, 1936, had been included in the term ‘employment’
19 as defined in that Act reduced by any benefit payable
20 under title II of the Social Security Act.”.

21 (c) TECHNICAL AMENDMENT.—The first sentence of
22 section 3(f)(3) of such Act is amended by striking “the
23 spouse and divorced wife” and inserting “the spouse,
24 child, and divorced wife”.

1 **SEC. 2002. ENTITLEMENT TO SPOUSAL ANNUITIES.**

2 (a) ENTITLEMENT DESPITE CERTAIN AGE REQUIRE-
 3 MENTS.—Section 2(c)(1) of the Railroad Retirement Act
 4 of 1974 is amended by adding at the end the following:
 5 “A spouse who is not entitled to an annuity by reason
 6 of paragraph (i)(B) of this subdivision, but who otherwise
 7 meets the conditions for entitlement to an annuity under
 8 this subsection, shall be entitled to an annuity in such
 9 amount as would have been payable under title II of the
 10 Social Security Act if all of the individual’s service after
 11 December 31, 1936, had been included in the term ‘em-
 12 ployment’ as defined in that Act reduced by any benefit
 13 payable to the spouse under title II of the Social Security
 14 Act.”.

15 (b) REMOVAL OF AGE REQUIREMENT FOR DIVORCED
 16 SPOUSES.—Section 2(c)(4) of such Act is amended by
 17 striking paragraph (ii), by redesignating paragraph (iii)
 18 as paragraph (ii), and by striking paragraph (i) and in-
 19 serting the following:

20 “(i) such individual has completed 10 years
 21 of service; and”.

22 (c) ENTITLEMENT OF DIVORCED SPOUSE WHERE
 23 WORKER’S ANNUITY IS NOT PAYABLE.—Section 2(e)(5)
 24 of such Act is amended by striking “or divorced wife” in
 25 the second sentence.

1 **SEC. 2003. CONTINUED PAYMENT TO SURVIVORS OF**
2 **WAIVED LUMP SUM BENEFITS IN AMOUNTS**
3 **EQUIVALENT TO SOCIAL SECURITY SURVI-**
4 **VOR BENEFITS.**

5 Section 6(c)(1) of the Railroad Retirement Act of
6 1974 is amended by striking all that follows “*Provided,*
7 *however,*” and inserting the following: “That if the em-
8 ployee is survived by a widow, widower, or parent who may
9 upon attaining the age of eligibility be entitled to benefits
10 under this Act, such lump sum shall not be paid unless
11 such widow, widower, or parent makes and files with the
12 Board an irrevocable election, in such form as the Board
13 may prescribe, to have such lump sum be paid in lieu of
14 all benefits, other than the amount of the benefits that
15 the widow, widower, or parent would have received under
16 title II of the Social Security Act if all of the employee’s
17 service after December 31, 1936, had been included in the
18 term ‘employment’ as defined in that Act. After a lump
19 sum with respect to the death of an employee is paid pur-
20 suant to an election filed with the Board under the provi-
21 sions of this subsection, no further benefits, other than
22 benefits in such amounts as would have been payable
23 under title II of the Social Security Act if all of the em-
24 ployee’s service after December 31, 1936, had been in-
25 cluded in the term ‘employment’ as defined in that Act,

1 shall be paid under this Act on the basis of such employ-
 2 ee's compensation and service under this Act.”.

3 **SEC. 2004. LUMP SUM DEATH BENEFITS EQUIVALENT TO**
 4 **SOCIAL SECURITY BENEFITS.**

5 (a) IN GENERAL.—Section 6(b)(2) of the Railroad
 6 Retirement Act of 1974 is amended to read as follows:

7 “(2) Upon the death of an individual who (A) will
 8 have completed ten years of service at the time of his
 9 death, and (B) will have had a current connection with
 10 the railroad industry at the time of his death, a lump-
 11 sum death payment shall be made in accordance with the
 12 provisions of section 202(i) of the Social Security Act in
 13 an amount equal to the amount which would have been
 14 payable under such section 202(i) if such individual's serv-
 15 ice as an employee after December 31, 1936, were in-
 16 cluded in the term ‘employment’ as defined in that Act.”.

17 (b) CONFORMING AMENDMENT.—Section 6(b)(1) of
 18 such Act is amended by inserting before the period at the
 19 end of the first sentence the following: “less any lump-
 20 sum benefit payable under subdivision (2) of this sub-
 21 section”.

1 **SEC. 2005. PAYMENT OF BENEFITS EQUIVALENT TO SOCIAL**
 2 **SECURITY BENEFITS WITH RESPECT TO**
 3 **SERVICE FOR WHICH CERTAIN RAILROAD RE-**
 4 **TIREMENT ANNUITIES ARE NOT PAYABLE.**

5 Section 2(e) of the Railroad Retirement Act of 1974
 6 is amended by adding at the end the following new sub-
 7 division:

8 “(6) A person who has filed an application for an an-
 9 nuity under this Act, but whose annuity is not payable
 10 for a month by reason of subdivision (1), (3), or (5) of
 11 this subsection and who is entitled to a benefit under title
 12 II of the Social Security Act for such month shall be enti-
 13 tled to receive an annuity under this Act for such month
 14 equal to the difference between the benefit under such title
 15 II paid for such month and the benefit under such title
 16 II that would have been paid for such month if all of the
 17 individual’s service after December 31, 1936, had been in-
 18 cluded in the term ‘employment’ as defined in that Act.”.

19 **SEC. 2006. EFFECTIVE DATE.**

20 The amendments made by this title shall take effect
 21 on January 1, 1997.

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